Reprinted
February 23, 2007

SENATE BILL No. 490

DIGEST OF SB 490 (Updated February 22, 2007 4:43 pm - DI 84)

Citations Affected: IC 23-1.5; IC 25-1; IC 25-4; IC 25-4.5.

Synopsis: Registering interior designers. Changes the board of registration for architects and landscape architects to the board of registration for architects, landscape architects, and interior designers (board). Adds an interior designer to the board. Updates language concerning the board's operation. Specifies the board's powers. Requires the board to register interior designers. Establishes the requirements for registration and fees. Requires the board to deposit the fees into the state general fund. Provides that a person: (1) may not use the title "registered interior designer" or any title designation sign, card, or device indicating the person is a registered interior designer unless the person has a certificate of registration; and (2) is ineligible for registration if the person has a civil judgment for negligence, recklessness, willful misconduct, or another breach of a standard of care in the practice of interior design entered against the person.

Effective: July 1, 2007.

Kruse, Mishler

January 18, 2007, read first time and referred to Committee on Pensions and Labor.
February 15, 2007, amended, reported favorably — Do Pass.
February 22, 2007, read second time, amended, ordered engrossed.

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Reprinted
February 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 490

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 23-1.5-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. "Licensing authority" means the following:

(1) In the case of an accounting professional, the Indiana state board of public accountancy.

(2) In the case of an architectural professional, the board of registration for architects ~~and~~ landscape architects, **and interior designers.**

(3) In the case of an engineering professional, the state board of registration for professional engineers.

(4) In the case of an attorney, the Indiana supreme court.

(5) In the case of a health care professional, the board (as defined in IC 25-1-9-1) that issues the individual's license, certification, or registration.

(6) In the case of a veterinarian, the Indiana board of veterinary medical examiners.

(7) In the case of a land surveyor, the state board of registration

for land surveyors.

(8) In the case of a real estate professional, the Indiana real estate commission.

SECTION 2. IC 25-1-2-2.1, AS AMENDED BY P.L.87-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores, or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

C o p y

(28) Athlete agents.
(29) Manufactured home installers.
(30) Home inspectors.
(31) Interior designers.

SECTION 3. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.
(2) Indiana grain buyers and warehouse licensing agency.
(3) Indiana auctioneer commission.
(4) Board of registration for architects, ~~and~~ landscape architects, **and interior designers.**
(5) State board of barber examiners.
(6) State board of cosmetology examiners.
(7) Medical licensing board of Indiana.
(8) Secretary of state.
(9) State board of dentistry.
(10) State board of funeral and cemetery service.
(11) Worker's compensation board of Indiana.
(12) Indiana state board of health facility administrators.
(13) Committee of hearing aid dealer examiners.
(14) Indiana state board of nursing.
(15) Indiana optometry board.
(16) Indiana board of pharmacy.
(17) Indiana plumbing commission.
(18) Board of podiatric medicine.
(19) Private detectives licensing board.
(20) State board of registration for professional engineers.
(21) Board of environmental health specialists.
(22) State psychology board.
(23) Indiana real estate commission.
(24) Speech-language pathology and audiology board.
(25) Department of natural resources.
(26) State boxing commission.
(27) Board of chiropractic examiners.
(28) Mining board.

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(29) Indiana board of veterinary medical examiners.
(30) State department of health.
(31) Indiana physical therapy committee.
(32) Respiratory care committee.
(33) Occupational therapy committee.
(34) Social worker, marriage and family therapist, and mental health counselor board.
(35) Real estate appraiser licensure and certification board.
(36) State board of registration for land surveyors.
(37) Physician assistant committee.
(38) Indiana dietitians certification board.
(39) Indiana hypnotist committee.
(40) Attorney general (only for the regulation of athlete agents).
(41) Manufactured home installer licensing board.
(42) Home inspectors licensing board.
(43) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 4. IC 25-1-4-0.3, AS AMENDED BY P.L.157-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects, ~~and~~ landscape architects, **and interior designers** (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) State board of barber examiners (IC 25-7-5-1).
(6) State boxing commission (IC 25-9-1).
(7) Board of chiropractic examiners (IC 25-10-1).
(8) State board of cosmetology examiners (IC 25-8-3-1).
(9) State board of dentistry (IC 25-14-1).
(10) Indiana dietitians certification board (IC 25-14.5-2-1).
(11) State board of registration for professional engineers

C o p y

(IC 25-31-1-3).

(12) Board of environmental health specialists ~~(IC 25-32).~~ **(IC 25-32-1).**

(13) State board of funeral and cemetery service (IC 25-15-9).

(14) Indiana state board of health facility administrators (IC 25-19-1).

(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).

(16) Home inspectors licensing board (IC 25-20.2-3-1).

(17) Indiana hypnotist committee (IC 25-20.5-1-7).

(18) State board of registration for land surveyors (IC 25-21.5-2-1).

(19) Manufactured home installer licensing board (IC 25-23.7).

(20) Medical licensing board of Indiana (IC 25-22.5-2).

(21) Indiana state board of nursing (IC 25-23-1).

(22) Occupational therapy committee (IC 25-23.5).

(23) Indiana optometry board (IC 25-24).

(24) Indiana board of pharmacy (IC 25-26).

(25) Indiana physical therapy committee (IC 25-27-1).

(26) Physician assistant committee (IC 25-27.5).

(27) Indiana plumbing commission (IC 25-28.5-1-3).

(28) Board of podiatric medicine (IC 25-29-2-1).

(29) Private detectives licensing board (IC 25-30-1-5.1).

(30) State psychology board (IC 25-33).

(31) Indiana real estate commission (IC 25-34.1-2).

(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(33) Respiratory care committee (IC 25-34.5).

(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(35) Speech-language pathology and audiology board (IC 25-35.6-2).

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

SECTION 5. IC 25-1-6-3, AS AMENDED BY P.L.206-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects, ~~and~~ landscape architects, **and interior designers** (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

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(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) State board of cosmetology examiners (IC 25-8-3-1).
(7) State board of funeral and cemetery service (IC 25-15-9).
(8) State board of registration for professional engineers (IC 25-31-1-3).
(9) Indiana plumbing commission (IC 25-28.5-1-3).
(10) Indiana real estate commission (IC 25-34.1).
(11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
(12) Private detectives licensing board (IC 25-30-1-5.1).
(13) State board of registration for land surveyors (IC 25-21.5-2-1).
(14) Manufactured home installer licensing board (IC 25-23.7).
(15) Home inspectors licensing board (IC 25-20.2-3-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 6. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and
(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects, ~~and~~ landscape architects, **and interior designers** (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).

C o p y

(9) State board of funeral and cemetery service (IC 25-15-9).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Indiana state board of nursing (IC 25-23-1).
(14) Indiana optometry board (IC 25-24).
(15) Indiana board of pharmacy (IC 25-26).
(16) Indiana plumbing commission (IC 25-28.5-1-3).
(17) Board of podiatric medicine (IC 25-29-2-1).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(24) Respiratory care committee (IC 25-34.5).
(25) Private detectives licensing board (IC 25-30-1-5.1).
(26) Occupational therapy committee (IC 25-23.5).
(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(29) State board of registration for land surveyors (IC 25-21.5-2-1).
(30) Physician assistant committee (IC 25-27.5).
(31) Indiana athletic trainers board (IC 25-5.1-2-1).
(32) Indiana dietitians certification board (IC 25-14.5-2-1).
(33) Indiana hypnotist committee (IC 25-20.5-1-7).
(34) Indiana physical therapy committee (IC 25-27).
(35) Manufactured home installer licensing board (IC 25-23.7).
(36) Home inspectors licensing board (IC 25-20.2-3-1).
(37) Any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects, ~~and~~ landscape architects,

C o p y

and interior designers (IC 25-4-1-2).
(3) Indiana auctioneer commission (IC 25-6.1-2-1).
(4) State board of barber examiners (IC 25-7-5-1).
(5) State boxing commission (IC 25-9-1).
(6) Board of chiropractic examiners (IC 25-10-1).
(7) State board of cosmetology examiners (IC 25-8-3-1).
(8) State board of dentistry (IC 25-14-1).
(9) State board of funeral and cemetery service (IC 25-15).
(10) State board of registration for professional engineers (IC 25-31-1-3).
(11) Indiana state board of health facility administrators (IC 25-19-1).
(12) Medical licensing board of Indiana (IC 25-22.5-2).
(13) Mining board (IC 22-10-1.5-2).
(14) Indiana state board of nursing (IC 25-23-1).
(15) Indiana optometry board (IC 25-24).
(16) Indiana board of pharmacy (IC 25-26).
(17) Indiana plumbing commission (IC 25-28.5-1-3).
(18) Board of environmental health specialists (IC 25-32-1).
(19) State psychology board (IC 25-33).
(20) Speech-language pathology and audiology board (IC 25-35.6-2).
(21) Indiana real estate commission (IC 25-34.1-2-1).
(22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
(23) Department of insurance (IC 27-1).
(24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
(26) Private detectives licensing board (IC 25-30-1-5.1).
(27) Occupational therapy committee (IC 25-23.5-2-1).
(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(30) State board of registration for land surveyors (IC 25-21.5-2-1).
(31) Physician assistant committee (IC 25-27.5).
(32) Indiana athletic trainers board (IC 25-5.1-2-1).
(33) Board of podiatric medicine (IC 25-29-2-1).
(34) Indiana dietitians certification board (IC 25-14.5-2-1).

C o p y

(35) Indiana physical therapy committee (IC 25-27).
(36) Manufactured home installer licensing board (IC 25-23.7).
(37) Home inspectors licensing board (IC 25-20.2-3-1).
(38) Any other occupational or professional agency created after June 30, 1981.

SECTION 8. IC 25-1-8-6, AS AMENDED BY P.L.157-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).
(2) Board of registration for architects, ~~and~~ landscape architects, **and interior designers** (IC 25-4-1-2).
(3) Indiana athletic trainers board (IC 25-5.1-2-1).
(4) Indiana auctioneer commission (IC 25-6.1-2-1).
(5) State board of barber examiners (IC 25-7-5-1).
(6) State boxing commission (IC 25-9-1).
(7) Board of chiropractic examiners (IC 25-10-1).
(8) State board of cosmetology examiners (IC 25-8-3-1).
(9) State board of dentistry (IC 25-14-1).
(10) Indiana dietitians certification board (IC 25-14.5-2-1).
(11) State board of registration for professional engineers (IC 25-31-1-3).
(12) Board of environmental health specialists (IC 25-32-1).
(13) State board of funeral and cemetery service (IC 25-15-9).
(14) Indiana state board of health facility administrators (IC 25-19-1).
(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
(16) Home inspectors licensing board (IC 25-20.2-3-1).
(17) Indiana hypnotist committee (IC 25-20.5-1-7).
(18) State board of registration for land surveyors (IC 25-21.5-2-1).
(19) Manufactured home installer licensing board (IC 25-23.7).
(20) Medical licensing board of Indiana (IC 25-22.5-2).
(21) Indiana state board of nursing (IC 25-23-1).
(22) Occupational therapy committee (IC 25-23.5).
(23) Indiana optometry board (IC 25-24).
(24) Indiana board of pharmacy (IC 25-26).
(25) Indiana physical therapy committee (IC 25-27).
(26) Physician assistant committee (IC 25-27.5).
(27) Indiana plumbing commission (IC 25-28.5-1-3).
(28) Board of podiatric medicine (IC 25-29-2-1).
(29) Private detectives licensing board (IC 25-30-1-5.1).

C o p y

(30) State psychology board (IC 25-33).
(31) Indiana real estate commission (IC 25-34.1-2).
(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
(33) Respiratory care committee (IC 25-34.5).
(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(35) Speech-language pathology and audiology board (IC 25-35.6-2).
(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.
(2) Payment of the current renewal fee established by the board under section 2 of this chapter.
(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.
(2) Payment of the current renewal fee established by the board under section 2 of this chapter.
(3) Payment of a reinstatement fee equal to the current initial application fee.
(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has

C o p y

fulfilled the continuing education requirements required by the board for the current renewal period.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 9. IC 25-1-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects, ~~and~~ landscape architects, **and interior designers** (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Real estate appraiser licensure certification board (IC 25-34.1-8).

(13) Private detectives licensing board (IC 25-30-1-5.1).

(14) Manufactured home installer licensing board (IC 25-23.7).

(15) Home inspectors licensing board (IC 25-20.2-3-1).

SECTION 10. IC 25-4-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) There is hereby created and established a board of registration for architects, ~~and~~ landscape architects, **and interior designers,** which shall consist of ~~eight (8)~~ **nine (9)** members, who shall be appointed by the governor and who shall serve at the will and pleasure of the governor. All appointments shall be made for terms of three (3) years, ending on December 31. In any case, each member shall serve for the term for which the member shall have been appointed and until the member's successor shall have been appointed and shall have qualified. Any vacancy which may occur in membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Each member of the board shall be entitled to receive as compensation for the member's services a salary per diem for each and every day the member may be engaged in attending the meetings or transacting the

C o p y

business of the board. In addition thereto each member shall be entitled to receive as reimbursement all traveling and other necessary expenses incurred in the performance of the member's duties as a member of the board in accordance with travel policies and procedures established by the department of administration and the state budget agency.

(b) Each member of the board shall be a citizen of the United States of America and a resident of the state of Indiana. Five (5) of the members must be registered architects under this chapter and shall have had at least ten (10) years of active architectural practice preceding the member's appointment.

(c) Two (2) members of the board must be registered landscape architects under this chapter and must have at least ten (10) years of active landscape architectural practice preceding the member's appointment.

(d) One (1) member of the board, to represent the general public, shall be a resident of this state who has never been associated with the architecture or landscape architecture profession in any way other than as a consumer.

(e) One (1) member of the board must be an interior designer registered under IC 25-4.5 who has at least ten (10) years of active interior design practice preceding the member's appointment. The member is a:

(1) voting member for all matters dealing with the registration of interior designers and the application of IC 25-4.5; and

(2) nonvoting member of the board for all other matters.

SECTION 11. IC 25-4-1-3, AS AMENDED BY P.L.194-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** The board shall organize by the election of a ~~chairman~~ **chairperson** and vice ~~chairman,~~ **chairperson,** each of whom shall serve for a term of one (1) year. ~~The first meeting of the board shall be held within thirty (30) days after the members thereof shall have been appointed, on call of the chairman of the board. Thereafter,~~

(b) The board shall hold at least two (2) regular meetings each year and may hold ~~such special~~ **additional** meetings, as the board in its discretion considers necessary or advisable. ~~The time for holding the regular meetings, the method of calling special meetings and the manner of giving notice of all meetings shall be prescribed in the bylaws of the board.~~ **The chairperson shall establish the date, time, and location of each meeting.**

(c) Five (5) members of the board shall constitute a quorum for the

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transaction of any and all business which may come before the board. Approval by a majority of all members of the board shall be required for action to be taken. ~~The board shall adopt official seals representing the different professions that shall be affixed to all certificates of registration granted and issued as provided in this chapter. Subject to the approval of the governor, the board is hereby authorized to make bylaws and prescribe and promulgate rules as considered necessary in the performance of its duty. The board shall adopt rules establishing standards for the competent practice of architecture and landscape architecture, and for the administration of the registered architects, and registered landscape architects, investigative fund established by section 32 of this chapter. Suitable office quarters shall be provided for the use of the board in the city of Indianapolis.~~

SECTION 12. IC 25-4-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. The board shall do all of the following:**

(1) Administer and enforce this article and IC 25-4.5.

(2) Adopt rules under IC 4-22-2 that:

(A) are reasonably necessary or appropriate for the administration and enforcement of this article and IC 25-4.5;

(B) establish standards for the competent practice of architecture, landscape architecture, and interior design;

(C) establish continuing education requirements for registered architects, registered landscape architects, and registered interior designers in accordance with IC 25-1-4; and

(D) establish fees in accordance with IC 25-1-8.

(3) Prescribe the requirements for and form of certificates, applications, and other documents that are required by this article and IC 25-4.5.

(4) Issue, deny, suspend, and revoke certificates in accordance with this article and IC 25-4.5.

(5) In accordance with IC 25-1-7, investigate complaints concerning:

(A) registered architects, registered landscape architects, and registered interior designers; or

(B) failure to comply with:

(i) this article or IC 25-4.5; or

(ii) rules adopted under this article or IC 25-4.5; and

when appropriate, take action under IC 25-1-11.

(6) Bring actions in the name of the state in an appropriate

C o p y

circuit court in order to enforce compliance with:

(A) this article or IC 25-4.5; or

(B) rules adopted under this article or IC 25-4.5.

(7) Inspect the records of a registrant in accordance with rules adopted by the board.

(8) Conduct or designate a board member or other representative to:

(A) conduct public hearings on any matter for which a hearing is required under this article or IC 25-4.5; and

(B) exercise all powers granted under IC 4-21.5.

(9) Adopt a seal containing the words "State Board of Registration for Architects, Landscape Architects, and Interior Designers", and through the professional licensing agency's director, certify copies and authenticate all acts of the board.

(10) In accordance with IC 25-1-6, use counsel, consultants, and other persons, enter into contracts, and authorize expenditures that are reasonably necessary or appropriate to administer and enforce:

(A) this article or IC 25-4.5; or

(B) rules adopted under this article or IC 25-4.5.

(11) Maintain the board's office, files, records, and property in the city of Indianapolis.

(12) Administer the registered architects, registered landscape architects, and registered interior designers investigative fund established by section 32 of this chapter.

(13) Exercise all other powers and perform all other duties specifically conferred on the board by this article or IC 25-4.5.

SECTION 13. IC 25-4-1-4, AS AMENDED BY P.L.194-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The board shall be entitled to the services of the attorney general in connection with any of the business of the board. The board shall have the power to administer oaths and take testimony and proofs concerning any matter which may come within its jurisdiction. The attorney general, the prosecuting attorney of any county, the board, or a citizen of a county wherein any person, not herein exempted, shall engage in the practice of architecture or landscape architecture, as herein defined, without first having obtained a certificate of registration, or without first having renewed an expired certificate of registration, so to practice, may, in accordance with the provisions of the laws of this state governing injunctions, maintain an action, in the name of the state of Indiana, to enjoin such person from

C o p y

engaging in the practice of architecture or landscape architecture, as herein defined, until a certificate of registration is secured, or renewed, in accordance with the provisions of this chapter. Any person who has been so enjoined and who violates the injunction shall be punished for contempt of court. The injunction shall not relieve such person so practicing architecture or landscape architecture without a certificate of registration, or without first having renewed an expired certificate of registration, from a criminal prosecution therefor, as is provided by this chapter, but such remedy by injunction shall be in addition to any remedy provided for herein for the criminal prosecution of such offender. In charging any person in a complaint for an injunction, or in an affidavit, information or indictment, with the violation of the provisions of this chapter, by practicing architecture or landscape architecture without a certificate of registration or without having renewed an expired certificate of registration, it shall be sufficient to charge that the person did upon a certain day and in a certain county engage in the practice of architecture or landscape architecture, without having a certificate of registration or without having renewed an expired certificate of registration, to so practice, without averring any further or more particular facts concerning the same. The attorney general and the Indiana professional licensing agency may use the registered architects, ~~and~~ registered landscape architects, **and registered interior designers** investigative fund established by section 32 of this chapter to hire investigators and other employees to enforce the provisions of this article and to investigate and prosecute violations of this article.

SECTION 14. IC 25-4-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. The board shall issue certificates of registration only as provided in sections 7, 8, 9 and 10 of this chapter **and IC 25-4.5.**

SECTION 15. IC 25-4-1-16, AS AMENDED BY P.L.177-2006, SECTION 1, AND AS AMENDED BY P.L.157-2006, SECTION 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be established under

C o p y

~~*IC 25-1-8-7.*~~ *IC 25-1-8-6*. The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be established by the board under IC 25-1-8-2.

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

(f) In addition to the registration fees established under this section, the board shall establish a fee of not more than twenty dollars ($20) for registered architects, and registered landscape architects, to be paid at the time of:

(1) issuance of a certificate of registration; and

(2) renewal of a certificate of registration;

under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered architects, ~~*and*~~ *registered landscape architects,* **and registered interior designers** *investigative fund established by section 32 of this chapter.*

SECTION 16. IC 25-4-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. Except where the context clearly indicates a different meaning, the following terms, as used in this chapter, shall be construed to have the meaning hereinafter indicated:

The term "board" shall be construed to mean the board of registration for architects, ~~and~~ landscape architects, **and interior designers.**

SECTION 17. IC 25-4-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. The board shall keep a record open to public inspection at all reasonable times of its proceedings relating to the issuance, refusal, renewal, suspension or revocation of certificates of registration. This record shall also contain the name, place of business and residence, and the date and number of registration of each registered architect, ~~and~~ landscape architect, **and interior designer** in this state.

SECTION 18. IC 25-4-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) Except as hereinafter otherwise provided, the state of Indiana, nor any board, department or agency thereof, nor any county, city, town, township, school corporations, or other political subdivision of this state shall engage in the construction, alteration, or maintenance of any public

C o p y

building or public work involving the practice of architecture for which plans, specifications and estimates have not been prepared, certified, and sealed by, and the construction, alteration, or maintenance executed under the direct supervision of an architect, which architect shall be the holder in good standing of a certificate of registration from the board of registration for architects, ~~and~~ landscape architects, **and interior designers** entitling ~~him~~ **the architect** to practice architecture in this state.

(b) No official of this state, nor of any city, town, county, township, or school corporation thereof, charged with the enforcement of any law, ordinance, or rule relating to the construction or alteration of buildings or structures, shall use or accept or approve any plans or specifications that have not been prepared by, or under the supervision of, and certified by a registered architect. This subsection shall not apply if such plans or specifications have been prepared by, or under the supervision of and certified by a professional engineer who is registered under the laws of the state of Indiana. This subsection shall not apply to the construction or alteration of any building or structures specifically exempted from the rules of the fire prevention and building safety commission or specifically exempted from the fire prevention and building safety commission requirements for preparation of such plans and specifications by registered architects or registered engineers. This section shall not be construed as to abridge, or otherwise affect, the powers of the fire prevention and building safety commission, or any other state board or department, to issue rules governing the safety of buildings or structures.

SECTION 19. IC 25-4-1-32, AS AMENDED BY P.L.177-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) The registered architects, ~~and~~ registered landscape architects, **and registered interior designers** investigative fund is established to provide funds for administering and enforcing the provisions of this article **and IC 25-4.5,** including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon registered architects and registered landscape architects under section 16(f) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

C o p y

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars ($500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars ($500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the Indiana professional licensing agency to administer and enforce the provisions of this article **and IC 25-4.5** and to conduct investigations and take enforcement action against persons violating the provisions of this article **and IC 25-4.5.**

SECTION 20. IC 25-4-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) As used in this chapter, "board" means the board of registration for architects, ~~and~~ landscape architects, **and interior designers** as established under IC 25-4-1-2.

(b) As used in this chapter, "landscape architecture" means the practice of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision to develop land areas for the dominant purpose of preserving, enhancing, or determining:

(1) proper land uses;
(2) natural land features;
(3) ground cover and planting;
(4) naturalistic and aesthetic values;
(5) the settings and approaches to structures or other improvements;
(6) the natural environment of a facility, an individual building, or other structure;
(7) site specific natural surface and subsoil drainage systems;
(8) landscape grading, swales, curbs, and walkways; and
(9) any inherent problems of the land relating to erosion, overuse, blight, or other hazards.

The term includes the location and arrangement of the proposed tangible objects and features that are incidental and necessary to accomplish the purposes of landscape architecture.

(c) As used in this chapter, "practitioner" means an individual registered as a landscape architect under this chapter.

(d) Except as provided in subsection (b), this chapter does not authorize a practitioner to:

(1) engage in the design of mechanical lift stations, sewage treatment facilities, sanitary and combined sewers, storm water management projects, public, semipublic, and private utilities, or

C o p y

other structures or facilities with separate and self-contained purposes, if the design work is ordinarily included in the practice of architecture or engineering;

(2) engage in the design of highways or traffic control devices;

(3) engage in the scientific analysis of hazardous material contamination;

(4) engage in topographic mapping or the certification of land surveys or final land plats for official approval or recording;

(5) otherwise engage in the practice of architecture (as defined in IC 25-4-1);

(6) otherwise engage in the practice of professional engineering (as defined in IC 25-31);

(7) engage in the practice of land surveying (as defined in IC 25-21.5); or

(8) engage in the practice of professional geology (as defined in IC 25-17.6).

(e) This chapter, except section 10(a)(1) and 10(a)(2) of this chapter, does not apply to:

(1) the practice of landscape architecture by any person who acts under the supervision of a practitioner or by an employee of a person lawfully engaged in the practice of landscape architecture and who, in either event, does not assume responsible charge of design or supervision;

(2) the practice of architecture or land planning and proper land usage by a duly registered professional architect or the doing of landscape architectural work by a registered architect or by an employee under the supervision of a registered architect;

(3) the practice of engineering or land planning and proper land usage by a duly registered professional engineer and the doing of landscape architectural work by a registered professional engineer or by an employee under supervision of a registered professional engineer;

(4) the practice of surveying or land planning and proper land usage by a registered land surveyor and the doing of landscape architectural work by a registered land surveyor or by an employee under supervision of a registered land surveyor;

(5) the practice of landscape architecture by employees of the United States government while engaged within this state in the practice of landscape architecture for the United States government;

(6) the practice of planning as is customarily done by regional, park, or urban planners;

C o p y

(7) the practice of arborists, foresters, gardeners, turf managers, home builders, horticulturists, farmers, and other similar persons;

(8) the practice of any nurseryman or general or landscape contractor, including design, planning, location, planting and arrangements of plantings or other ornamental features; or

(9) the practice of natural resource professionals, including biologists, geologists, or soil scientists.

SECTION 21. IC 25-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 4.5. INTERIOR DESIGNERS

Chapter 1. Application

Sec. 1. This article applies to a person who practices interior design after December 31, 2007.

Sec. 2. This article does not apply to an owner or employee of a retail establishment who provides consultation regarding interior decoration or furnishing:

(1) on the premises of the retail establishment; or

(2) for purposes of an actual or a prospective retail sale.

Sec. 3. This article does not apply to a person who:

(1) does not profess to be a registered interior designer; and

(2) is:

(A) an architect registered under IC 25-4; or

(B) a professional engineer registered under IC 25-31.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the professional licensing agency established by IC 25-1-5-3.

Sec. 3."Applicant" means an interior designer who applies for a certificate of registration under this article.

Sec. 4."ARE" refers to the Architectural Registration Exam.

Sec. 5. "Board" means the board of registration for architects, landscape architects, and interior designers established under IC 25-4-1-2.

Sec. 6. (a) "Interior design" means client consultation and preparation and administration of design documents that include:

(1) design studies;

(2) drawings;

(3) schedules;

(4) specifications; and

(5) contracts;

C o p y

relating to nonstructural and nonseismic interior elements of a building or structure.

(b) The term includes design documents for space plans, reflected ceiling plans, fire safety laws as they relate to entrances, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior construction that does not materially affect the systems, as that term is defined by the rules of the fire prevention and building safety commission, of the building.

(c) The term does not include the architectural and engineering design of interior construction.

Sec. 7. "Interior designer" means a person who practices interior design.

Sec. 8. "NCIDQ" refers to the National Council for Interior Design Qualification.

Sec. 9. (a) "Nonstructural or nonseismic" means interior elements or components that:

(1) are not load bearing or do not assist in the seismic design of a building;

(2) do not require design computations for the structure of a building; and

(3) do not include the structural frame system supporting a building.

(b) The term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

Sec. 10. "Out-of-state applicant" means an individual who is:

(1) an interior designer registered or licensed under the laws of another state, a foreign country, or a province in a foreign country; and

(2) an applicant for a certificate of registration under this article.

Sec. 11. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling were projected downward and may include lighting elements.

Sec. 12. "Registered interior designer" means a person registered under this article.

Sec. 13. "Space planning" means the analysis of design of spatial and occupancy requirements, including space layouts and final planning.

Chapter 3. Registration Requirements

Sec. 1. (a) The board shall maintain a registry of all interior

C o p y

designers who:

(1) apply for and meet the registration requirements under this article; and

(2) pay the initial registration fee.

(b) The registry must:

(1) be maintained in an electronic format; and

(2) include the:

(A) name of each registered interior designer; and

(B) date the interior designer registered with the board under this article.

Sec. 2. The board shall issue a certificate of registration to an applicant who does the following:

(1) Applies for the certificate of registration on a form prescribed by the board.

(2) Meets the requirements of this article.

(3) Pays the registration fee under section 5 of this chapter.

Sec. 3. The board shall issue a certificate of registration to an applicant who satisfies section 2 of this chapter and the following:

(1) Meets one (1) of the following requirements:

(A) Completes a degree in interior design or a similar discipline from an accredited college or university.

(B) Obtains:

(i) four (4) years of interior design higher education and two (2) years of full-time work experience in interior design;

(ii) three (3) years of interior design higher education and three (3) years of full-time work experience in interior design; or

(iii) two (2) years of interior design education and four (4) years of full-time work experience in interior design.

(2) Except as provided in section 4 of this chapter, an applicant must pass:

(A) the examination administered by the NCIDQ; or

(B) the ARE.

Sec. 4. The examination requirement under section 3(2) of this chapter is waived if the applicant holds:

(1) a valid license or certificate in interior design from an authority in another jurisdiction that has standards substantially equivalent to the standards established under this article; and

(2) a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.

C o p y

Sec. 5. (a) The board shall collect the following fees under this article:

(1) An initial registration fee of one hundred dollars ($100).

(2) A biennial renewal fee of one hundred dollars ($100).

(3) A restoration fee of three hundred dollars ($300).

(b) The fees collected by the board under this article shall be transferred to the treasurer of state and deposited into the state general fund.

(c) The agency shall pay the expenses for administering this article from the state general fund under appropriations designated for that purpose.

Sec. 6. To qualify for registration under this article, the applicant must not have a conviction for:

(1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(2) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 7. The board shall grant a certificate of registration to an out-of-state applicant on the following conditions:

(1) The out-of-state applicant must:

(A) be at least eighteen (18) years of age; and

(B) pay the fee under section 5 of this chapter.

(2) The out-of-state applicant must:

(A) pass:

(i) the examination administered by the NCIDQ; or

(ii) the ARE; or

(B) hold a valid license or certificate of registration in interior design from an authority in another jurisdiction that has standards substantially equivalent to the standards established under this article.

(3) The out-of-state applicant must not have been convicted of:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or

(B) a felony that has a direct bearing on the applicant's ability to practice competently.

Sec. 8. A registered interior designer shall display the certificate of registration in a conspicuous place in the:

(1) principal office;

(2) place of business; or

(3) place of employment;

of the registered interior designer.

C o p y

Sec. 9. The board may issue a certificate of registration to an applicant who completes the requirements under section 2 of this chapter if the applicant provides proof to the board that:

(1) the applicant has:

(A) received at least two (2) years of interior design education; and

(B) practiced in the field of interior design for at least ten (10) years; or

(2) the applicant has practiced interior design for at least fifteen (15) years.

Sec. 10. The board shall keep a register of all applicants who apply for a certificate of registration, showing for each applicant:

(1) the date of application;

(2) the name, age, and other qualifications;

(3) the place of business;

(4) the place of residence;

(5) whether the applicant was denied or granted a certificate of registration under this article; and

(6) the date the applicant was denied or granted a certificate of registration.

Chapter 4. Renewal and Restoration of a Certificate of Registration

Sec. 1. A registered interior designer who applies to renew a certificate of registration under this chapter must:

(1) comply with the continuing education requirements under section 3 of this chapter and IC 25-1-4-3(a); and

(2) pay the renewal fee under IC 25-4.5-3-5.

Sec. 2. The board shall do the following:

(1) Send renewal notices in accordance with IC 25-1-2-6(c).

(2) Accept cash, a draft, a money order, a cashier's check, or a certified or other personal check for a payment of the renewal fee. If the board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the certificate of registration for which the check was received.

Sec. 3. A registered interior designer must complete at least twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design for the renewal of a certificate of registration under this chapter.

Sec. 4. (a) A registered interior designer who continues to actively practice interior design shall:

(1) biennially, on or before the date established by the agency

C o p y

under IC 25-1-6-4, renew the registered interior designer's certificate of registration; and

(2) pay the renewal fee under IC 25-4.5-3-5.

A registered interior designer whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under IC 25-1-8-6.

(b) Subject to subsection (c), a registered interior designer who fails to renew the interior designer's certificate of registration for a period of not more than five (5) years after the date the certificate of registration expires may have the certificate of registration renewed at any time within the five (5) year period after the certificate of registration expires upon:

(1) making application to the board for renewal of the certificate of registration; and

(2) paying the fee required under IC 25-1-8-6.

(c) If a registered interior designer desires to retire from the practice of interior design in Indiana, the interior designer may submit to the board a verified statement of intention to withdraw from practice. The statement shall be entered in the records of the board. During the period of the interior designer's retirement, the interior designer is not liable for any renewal or restoration fees. If a retired interior designer desires to return to the practice of interior design in Indiana not later than five (5) years after the date the interior designer files a statement under this subsection, the retired interior designer must:

(1) file with the board a verified statement indicating the interior designer's desire to return to the practice of interior design; and

(2) pay:

(A) the renewal fee under IC 25-4.5-3-5 to renew an unexpired certificate of registration under this chapter, if the retired interior designer's certificate of registration is renewed for one (1) year or more in a biennial renewal cycle; or

(B) a renewal fee equal to one-half (1/2) the renewal fee under IC 25-4.5-3-5 to renew an unexpired certificate of registration under this chapter, if the retired interior designer's certificate of registration is renewed for less than one (1) year in a biennial renewal cycle.

(d) After the five (5) year period set forth in subsection (c), a retired registered interior designer who desires to return to the practice of interior design in Indiana must:

C o p y

(1) apply to the board for a new certificate of registration;
(2) pay the initial registration fee under IC 25-4.5-3-5; and
(3) meet the requirements of this article.

Sec. 5. After the five (5) year period set forth in section 4(b) of this chapter, an interior designer whose certificate of registration has expired may have the certificate of registration restored only upon:

(1) making application to the board for restoration of the certificate of registration; and
(2) paying the restoration fee under IC 25-4.5-3-5.

Chapter 5. Restrictions; Enforcement

Sec. 1. (a) A person may not use the title "registered interior designer" or any title designation sign, card, or device indicating that the person is a registered interior designer unless the person has registered with the board under this article.

(b) A person may not:

(1) present as the person's own a certificate of registration under this article of another person;
(2) give any false or forged evidence of any kind:
(A) to the board; or
(B) in obtaining a certificate of registration;
(3) impersonate any other registered interior designer; or
(4) use an expired, suspended, or revoked certificate of registration.

(c) A person who recklessly, knowingly, or intentionally violates this section commits a Class B misdemeanor.

Sec. 2. A person who holds a certificate of registration to practice interior design in Indiana is subject to proceedings for disciplinary action under IC 25-1-7 and IC 4-21.5.

Sec. 3. This article does not prevent a person from practicing interior design if the person does not use a title or designation under section 1(a) of this chapter.

Sec. 4. (a) If an interior designer has a civil judgment entered against the interior designer by a court with jurisdiction in a civil judicial proceeding for negligence, recklessness, willful misconduct, or other breach of a standard of care in the practice of interior design, the interior designer is subject to disciplinary sanctions under IC 25-1-11-12.

(b) An interior designer who has a civil judgment described in subsection (a) entered against the interior designer may not be registered under this article.

C o p y

SENATE MOTION

Madam President: I move that Senator Mishler be added as second author of Senate Bill 490.

KRUSE

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 490, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 12, line 29, after "Sec. 3." insert "**(a)**".

Page 12, line 30, before "and" strike "chairman" and insert "**chairperson**".

Page 12, line 30, after "vice" strike "chairman," and insert "**chairperson,**".

Page 12, line 31, strike "The first meeting of the board shall be held within thirty".

Page 12, strike line 32.

Page 12, line 33, strike "of the chairman of the board. Thereafter,".

Page 12, line 33, after "Thereafter," delete "the".

Page 12, line 33, after "Thereafter, the" begin a new paragraph and insert:

"**(b)** The".

Page 12, line 34, strike "such special" and insert "**additional**".

Page 12, line 36, strike "The time for holding the regular meetings, the method of".

Page 12, strike line 37.

Page 12, line 38, strike "meetings shall be prescribed in the bylaws of the board." and insert "**The chairperson shall establish the date, time, and location of each meeting.**

(c)".

Page 12, line 42, strike "The board shall adopt official seals representing the different".

Page 13, strike lines 1 through 7.

Page 13, line 8, strike "registered landscape architects,".

Page 13, line 8, delete "and registered interior designers".

Page 13, line 9, strike "investigative fund established by section 32 of this chapter.".

C o p y

Page 13, line 9, delete "The board".

Page 13, delete line 10.

Page 13, line 11, delete "by IC 25-4.5."

Page 13, line 11, strike "Suitable office quarters shall be provided for the use of".

Page 13, strike line 12.

Page 13, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 12. IC 25-4-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. The board shall do all of the following:**

(1) Administer and enforce this article and IC 25-4.5.

(2) Adopt rules under IC 4-22-2 that:

(A) are reasonably necessary or appropriate for the administration and enforcement of this article and IC 25-4.5;

(B) establish standards for the competent practice of architecture, landscape architecture, and interior design;

(C) establish continuing education requirements for registered architects, registered landscape architects, and registered interior designers in accordance with IC 25-1-4; and

(D) establish fees in accordance with IC 25-1-8.

(3) Prescribe the requirements for and form of certificates, applications, and other documents that are required by this article and IC 25-4.5.

(4) Issue, deny, suspend, and revoke certificates in accordance with this article and IC 25-4.5.

(5) In accordance with IC 25-1-7, investigate complaints concerning:

(A) registered architects, registered landscape architects, and registered interior designers; or

(B) failure to comply with:

(i) this article or IC 25-4.5; or

(ii) rules adopted under this article or IC 25-4.5; and

when appropriate, take action under IC 25-1-11.

(6) Bring actions in the name of the state in an appropriate circuit court in order to enforce compliance with:

(A) this article or IC 25-4.5; or

(B) rules adopted under this article or IC 25-4.5.

(7) Inspect the records of a registrant in accordance with rules adopted by the board.

C o p y

(8) Conduct or designate a board member or other representative to:

(A) conduct public hearings on any matter for which a hearing is required under this article or IC 25-4.5; and

(B) exercise all powers granted under IC 4-21.5.

(9) Adopt a seal containing the words "State Board of Registration for Architects, Landscape Architects, and Interior Designers", and through the professional licensing agency's director, certify copies and authenticate all acts of the board.

(10) In accordance with IC 25-1-6, use counsel, consultants, and other persons, enter into contracts, and authorize expenditures that are reasonably necessary or appropriate to administer and enforce:

(A) this article or IC 25-4.5; or

(B) rules adopted under this article or IC 25-4.5.

(11) Maintain the board's office, files, records, and property in the city of Indianapolis.

(12) Administer the registered architects, registered landscape architects, and registered interior designers investigative fund established by section 32 of this chapter.

(13) Exercise all other powers and perform all other duties specifically conferred on the board by this article or IC 25-4.5.".

Page 14, line 37, after "registered architects," reset in italics "and".

Page 14, line 37, after "landscape architects," delete "and".

Page 14, line 38, delete "registered interior designers".

Page 16, line 10, delete "This subsection does".

Page 16, delete lines 11 through 14.

Page 16, line 26, delete ":".

Page 16, line 27, delete "(1)".

Page 16, line 28, delete "chapter; and" and insert "chapter.".

Page 16, run in lines 26 through 28.

Page 16, delete line 29.

Page 19, between lines 17 and 18, begin a new paragraph and insert:

"**Sec. 2. "Agency" refers to the professional licensing agency established by IC 25-1-5-3.**".

Page 19, line 18, delete "Sec. 2." and insert "**Sec. 3.**".

Page 19, line 20, delete "Sec. 3." and insert "**Sec. 4.**".

Page 19, line 21, delete "Sec. 4." and insert "**Sec. 5.**".

Page 19, line 24, delete "Sec. 5." and insert "**Sec. 6.**".

Page 19, line 34, delete "fire codes, permits,".

C o p y

Page 19, line 40, delete "Sec. 6." and insert "**Sec. 7.**".

Page 19, line 42, delete "Sec. 7." and insert "**Sec. 8.**".

Page 20, line 2, delete "Sec. 8." and insert "**Sec. 9.**".

Page 20, line 13, delete "Sec. 9." and insert "**Sec. 10.**".

Page 20, line 19, delete "Sec. 10." and insert "**Sec. 11.**".

Page 20, line 22, delete "Sec. 11." and insert "**Sec. 12.**".

Page 20, line 24, delete "Sec. 12." and insert "**Sec. 13.**".

Page 20, line 32, delete "annual" and insert "**initial**".

Page 21, line 34, after "shall be" insert "**transferred to the treasurer of state and**".

Page 21, line 35, delete "registered architects, registered landscape" and insert "**state general fund.**".

Page 21, delete lines 36 through 37.

Page 21, between lines 37 and 38, begin a new paragraph and insert:

"**(c) The agency shall pay the expenses for administering this article from the state general fund under appropriations designated for that purpose.**".

Page 22, delete lines 27 through 42.

Page 23, delete line 1 through 9.

Page 23, line 10, delete "10." and insert "**9.**".

Page 23, delete lines 20 through 24.

Page 23, line 25, delete "11." and insert "**10.**".

Page 23, line 39, delete "furnish evidence showing successful completion of" and insert "**comply with**".

Page 23, line 41, delete "chapter;" and insert "**chapter and IC 25-1-4-3(a);**".

Page 24, line 15, after "(1)" insert "**biennially, on or before the date established by the agency under IC 25-1-6-4,**".

Page 24, line 15, after "renew the" insert "**registered interior designer's**".

Page 24, line 15, delete "registration not more than ninety" and insert "**registration;**".

Page 24, line 16, delete "(90) days before the expiration of the certificate;".

Page 24, run in lines 15 through 16.

Page 24, between lines 17 and 18, begin a new line blocked left and insert:

"**A registered interior designer whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under IC 25-1-8-6.**".

Page 24, line 26, delete "a renewal" and insert "**the**".

Page 24, line 26, delete "equal to the sum of the renewal fees" and

C o p y

insert "**required under IC 25-1-8-6.**".

Page 24, delete lines 27 through 29.

Page 25, line 31, delete ":".

Page 25, line 32, delete "(A)".

Page 25, line 32, delete "; or".

Page 25, delete line 33.

Page 25, run in lines 31 through 34.

Page 26, line 1, delete "The board may suspend or revoke a certificate of" and insert "**A person who holds a certificate of registration to practice interior design in Indiana is subject to proceedings for disciplinary action under IC 25-1-7 and IC 4-21.5.**".

Page 26, delete lines 2 through 3.

Page 26, line 11, delete "board shall immediately revoke the interior designer's" and insert "**interior designer is subject to disciplinary sanctions under IC 25-1-11-12.**".

Page 26, delete line 12.

Page 26, delete lines 16 through 23.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 490 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 6, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 490 be amended to read as follows:

Page 21, line 4, after "plans," insert "**fire safety laws as they relate to**".

Page 21, line 7, delete "building system." and insert "**systems, as that term is defined by the rules of the fire prevention and building safety commission, of the building.**".

(Reference is to SB 490 as printed February 16, 2007.)

WEATHERWAX

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